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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	NO. 21-MJ-70319-MAG
	)	
Plaintiff,	)	STIPULATION AND ORDER EXCLUDING TIME
	)	UNDER THE SPEEDY TRIAL ACT AND
v.	)	FEDERAL RULE OF CRIMINAL PROCEDURE
	)	5.1(c) AND (d)
JOSE OCHOA GUTIERREZ,	)	
	)	
Defendant.	)	

A status conference in this matter is scheduled for July 29, 2021. Counsel for the United States and counsel for the defendant, Jose Ochoa Gutierrez, jointly stipulate and request that the status conference be continued to August 26, 2021 at 1:00 pm before Magistrate Virginia K. DeMarchi and time be excluded under Federal Rule of Criminal Procedure 5.1(c) and (d), and the Speedy Trial Act from July 29, 2021 to August 26, 2021.

The government and counsel for the defendant have agreed that time be excluded under Federal Rule of Criminal Procedure 5.1 and the Speedy Trial Act so that defense counsel can continue to prepare. For these reasons, the parties stipulate and agree that excluding time until August 26, 2021, will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv); FRCP 5.1(c) and

(d). The parties further stipulate and agree that the ends of justice served by excluding time from July 29, 2021 to August 26, 2021, from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

The undersigned Assistant United States Attorney certifies that she has obtained approval from counsel for the defendant to file this stipulation, request, and proposed order.

IT IS SO STIPULATED.

DATED: July 28, 2021

/s/ Molly K. Priedeman  
MOLLY K. PRIEDEMAN  
Assistant United States Attorney

DATED: July 28, 2021

/s/ Miranda Kane  
MIRANDA KANE  
Attorney for the Defendant

**ORDER**

Based upon the representations of counsel and for good cause shown, the Court finds that failing to exclude the time from July 29, 2021 to August 26, 2021, would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from July 29, 2021 to August 26, 2021, from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) outweighs the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from July 29, 2021 to August 26, 2021, shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) and the status conference shall be continued to August 26, 2021 at 1:00 pm before Magistrate Judge Virginia K. DeMarchi. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv); FRCP 5.1(c),(d).

IT IS SO ORDERED.

DATED: July 28, 2021

